

City of Fitchburg
Conservation Commission

MEETING MINUTES
TUESDAY, MARCH 28, 2006

COMMISSIONERS IN ATTENDANCE: Tom Starr, Chairman, Dave Brooks, Phil Chalifoux, Mike Donnelly, John Koutonen, Harry Karis

STAFF IN ATTENDANCE: Tim Smith, Mike O'Hara

CALL TO ORDER: Mr. Starr called the meeting to order at 6:00 p.m. in the Veteran's Room, First Floor, City Hall.

MINUTES

Minutes of Feb. 28th meeting approved as written.

PUBLIC HEARINGS

Notice of Intent - Pierce, Central Ave. - sewer extension (cont'd from 2-28-06)

Request rec'd that afternoon from Whitman & Bingham to postpone hearing to April meeting "... to allow for test pits to be conducted on the site to determine the groundwater elevation in preparation for a design to address all storm water runoff."

Commission agreed to continuance, but also voted to send letter to Whitman & Bingham expressing disappointment at lateness of request, and the inability to pass the word along to abutters who came to the meeting, and also to request that they forward a copy of soil test results to the Commission and the abutters' representative (James Guertin, 88 Culley St.) prior to the next meeting. Hearing continued to April 25th.

**Notice of Intent - Iron Horse Development, Westminster Hill Rd.
(cont'd from 1-31-06)**

Ken Kalinowski of Marsden Engineering gave short history of proposal - original filing (#155-479), approval of Order of Conditions, appeal by abutter, superseding order from DEP, new filing of revised plan. ConCom had quick site visit several weeks ago. Tim Smith followed up with more site visits.

Tim: very difficult site to work with -- confusing site because flagged several times by different people, three different house locations proposed. Doesn't agree with some of delineation; there is stream running now thru a supposed upland area on easterly side of lot.

Ken Kalinowski: DEP had augmented and expanded upon the original wetland delineation. Very limited areas for development.

Applicant is willing to:

provide permanent bounds/demarcation for resource areas

take steps to direct sheet flow to prevent it from going onto Westminster Hill Road & directing it to existing culvert in front of parcel.

Mr. Donnelly: opposed to it. Doesn't see long-term interest of wetlands being protected. Proposed house location & grading very near edge of wetlands -- future homeowner will probably fill in to increase yard area.
Mr. Koutonen: agreed with Mr. Donnelly -- doesn't see how plan could get better.

Mr. Starr: most difficult site he has seen in a while.

Consensus of Commission was that they're not comfortable with the current plan.

Public hearing closed.

Motion made by Mr. Donnelly to issue Order of Conditions. No second.
Motion made by Mr. Donnelly, seconded Mr. Brooks, to deny Order of Conditions.
Vote 6-0 in favor to deny.

Notice of Intent - Cholacki, Ashburnham Hill Road

Hearing opened. Sean Hale of David E. Ross Assocs. presented plan. Lot was recently split off from parcel at 86 Ashburnham Hill Rd. Commission reviewed Tim Smith's report. Ross Assocs. responded to some of Tim's comments -- they cannot place proposed house closer to street (would need variance for front setback) because need to fit in parking spaces. Locating the house closer to street would make slope from parking area to house too steep, engineer claims. They will add haybales, silt fence to plan -- it was oversight that it was left off. Drainage swale going thru site is from culvert for street drainage. Tim suggested there should be a drainage easement going thru parcel so future owner could not block off swale.

Public comment:

Abutter Mr. Piermarini, Read St. -- concerned with stream going thru property & whether this development uphill will add to it. He already has problems w/ erosion.

Site visit scheduled for Sat. 4-8-06 at 8:00 a.m.

Hearing continued to 4-25-06.

Amended Notice of Intent - JCJ, Inc., Lots 11-14 Arn-How Farm Rd.

Ralph Romano of JCJ, Inc. discussed plan revised 3-13-06. Color handouts of revised plan distributed. Asking for Commission to reconsider vote of denial at February meeting. After vote to deny he went back to Sumners and made agreement to purchase additional 70 feet to add to rear of lots. On plan revised 3-13-06 all four dwellings & septic locations are to rear of lots now, out of the 100-foot buffer.

Mr. Donnelly: won't be voting for or against project since fill has not been removed. Still in violation. Stone wall at rear of lots should be removed & used to delineate the wetlands towards the front of parcel.

Mr. Romano: Area of driveway on Lot 12 wasn't noted as wetlands until the revised wetland delineation. Received it in winter -- time to do restoration is not winter but April/May.

They will remove gravel driveway on Lot 12 regardless of whether receive Order of Conditions or not.

If ConCom wants them to remove wells on Lots 11 & 12 and drill new ones outside of wetland they will, but would rather not.

Tim Smith: why no common driveway for all 4 lots?

Mr. Romano: zoning ordinance allows only two lots per common driveway, without variance. Common driveway makes lots less marketable -- they still can't sell one lot across street on common driveway.

Mr. Romano: has discussed with DEP -- in lieu of water quality certificate they will do a restrictive covenant-- no more alterations to wetlands allowed. Willing to do whatever permanent demarcation of wetlands that ConCom wants to require.

Public comment:

Dave Nickless, 699 Arn-How Farm Rd. had several comments:

- Objects to 14 foot deep cut into hillside on Lot 14
- Wetland driveway crossing on Lot 12 has running water on a regular basis -- suggested instead a min. of two culverts instead of one
- Enforcement Order discussed 12-05 meeting was supposed to have been sent out
- Additional 70 feet not yet conveyed - has checked at Registry of Deeds.
(Romano stated they have a verbal agreement with the Sumners)
- Suggest take stones from wall to be removed in rear of lots & set up on edge of wetlands
(say 15-20 feet off). Wetland will be disturbed unless there's a clear barrier installed
because people will want to enlarge their yards.
- Wetland alterations (wells, driveway) have been on site for years
- Drilling mud from wells has not yet been removed from wetland
- Two cuts in stone wall along Arn-How Farm Road from old driveways should be restored with stones from rear of lot -- make the road stone wall whole.

Mr. Romano response:

Additional 70 feet proposed to be added to Lots 11-14 -- "ANR" plan is done - ready to submit to Planning Board. They will do two 12-inch culverts 10 feet apart, instead of a single culvert, to better disperse water to wetlands.

Mr. Donnelly: should not use old weathered stones from rear stone wall for retaining wall for driveway crossings since they are valuable -- historic nature.

Mr. Romano: they'd like to keep existing wells on 11 & 12.

Mr. Brooks: why spend \$\$ to move wells? Money could be better spent elsewhere to improve the project.

Mr. Donnelly: didn't mean to imply that moving the wells was punitive.

ConCom expressed concern about steep cut in lot 14 -- how to stabilize slopes & intercept groundwater

Mr. Romano stated they may be buying the four lots back

Tim: suggested requiring a performance bond.

Discussion on phasing. Suggested Lots 13 & 14 first. Have lots stabilized & work approved by ConCom before moving on to 11 & 12.

Mr. Starr suggested continuing hearing for one month -- draw up a list of draft conditions

Hearing continued to April 25. In the meantime, draft list of possible modifications/conditions.

Amended Notice of Intent - IC Credit Union, 520 Electric Ave.

Nathan Mahonen of Hannigan Engineering presented modified plan dated 3-14-06. After construction started, they found unfavorable soils -- several inches of peat. Resulted in minor changes to site grading.

Small amount of additional filling on either side of site. Original wetland replication 2:1. Revised replication 1.5:1

Motion & made & seconded to approve modified plan. Vote unanimous to approve.

OTHER ITEMS

Partial cert. of compliance signed.

ConCom reviewed possible revised plan for Tully, Shattuck Road that was discussed in recent negotiating session.

Meeting adjourned: 8:10 p.m.

Next meeting: April 25th.

Approved: - June 27, 2006